

UNITED STATES DISTRICT COURT
DISTRICT OF MASSACHUSETTS

CIVIL ACTION NO. 04-12706-RWZ

GREGORY DONNELLY

v.

BERNARD BRADY,
Acting Superintendent at Old Colony Correctional Center

CERTIFICATE OF APPEALABILITY

October 16, 2006

ZOBEL, D.J.

This court dismissed the petition for a writ of habeas corpus on the ground that the statute of limitations had run before petitioner filed his application for the issuance of the writ. The decision required analysis of convictions going back to 1980, subsequent arrests, and sentences for later convictions and violations of parole. The result of such analysis is not preordained. Accordingly, petitioner should be able to challenge this court's conclusion in the Court of Appeals.

The request for a certificate of appealability is granted, as is petitioner's application to proceed without prepayment of fees.

October 16, 2006
DATE

/s/Rya W. Zobel
RYA W. ZOBEL

UNITED STATES DISTRICT JUDGE